



PATENT  
0941-0486P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: LIN, Tsung-Wei Conf.:  
Appl. No.: 09/290,608 Group: 2671  
Filed: April 13, 1999 Examiner: C. VO  
For: METHOD OF PROCESSING DIVERSE THREE-  
DIMENSIONAL GRAPHIC OBJECTS

LETTER REQUESTING THAT RESPONSE PERIOD  
BE RESTARTED

Assistant Commissioner for Patents  
Washington, DC 20231

**COPY**

August 13, 2002

Sir:

The present Letter is being filed to request that the period for response to the October 4, 2001 Office Action be restarted.

BACKGROUND

It is respectfully noted that an Office Action dated October 4, 2001 was mailed to the previous attorney of record, Darby & Darby PC, who did not receive said Office Action until April 30, 2002. Accordingly, Alphonso A. Collins of Darby & Darby PC filed a Petition Under 37 C.F.R. 1.181 to Reset the Shortened Statutory Period in Which to Respond to a First Office Action on August 1, 2002. Copies of this Petition and its accompanying exhibits are enclosed.

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OFFICE OF PETITIONS

It is also noted that a Revocation of Power of Attorney, Substitute Power of Attorney, and Change in Correspondence Address, as well as a Certificate Under 37 CFR § 3.73(b) Showing Chain of Title, were filed by the undersigned on July 11, 2002. A Notice Regarding Power of Attorney was mailed to the undersigned on July 29, 2002, confirming that previous powers of attorney had been revoked and granting power of attorney to the undersigned. A copy of this Notice is also enclosed.

Accordingly, the present Letter is being filed to ensure that the request to restart the period for response is considered.

SUPPORTING EVIDENCE

As is discussed on the attached Petition which was filed by Alphonso A. Collins of Darby & Darby PC on August 1, 2002, it is respectfully requested that the period for response be restarted for responding to the October 4, 2001 Office Action.

Attached hereto are copies of the following documents:

Exhibit A: A copy of the October 4, 2001 Office Action.

Exhibit B: A copy of the date-stamp from the mailroom of Darby & Darby PC, evidencing receipt of the October 4, 2001 Office Action on April 30, 2002.

Exhibit C: A copy of the envelope in which the October 4, 2001 Office Action was mailed by the U.S. Patent and Trademark Office, bearing a postmark that can best be read as April 25, 2002.

Accordingly, as the Office Action was not timely mailed by the U.S. Patent and Trademark Office, and not received by the previous attorney of record until after the six-month statutory period for response had expired, it is respectfully requested that the due date for responding to the October 4, 2001 Office Action be restarted.

In addition, this is also a Request under MPEP § 710.06 that the response time period be restarted in connection with the above-identified application because of a defect in the October 4, 2001 Office Action. More specifically, the defect in the Office Action is that page 4 of the Office Action is missing.

**In view of the foregoing, it is requested that the Office Action be re-dated and re-mailed to the undersigned, such that the time period for response is restarted.**

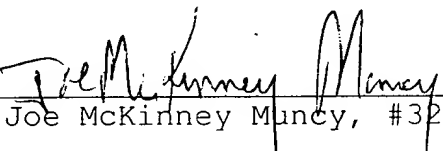
If the Examiner has any questions regarding the above matters, please contact the undersigned at (703) 205-8000, in the Washington, D.C. area.

As the error occurred on the part of the U.S. Patent and Trademark Office, it is not believed that any fees are now due. In the event that any fees are determined to be due, the U.S. Patent and Trademark Office is authorized to charge such fees to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Joe McKinney Muncy, #32,334

KM/asc  
0941-0486P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachments: Copy of Petition dated August 1, 2002  
Exhibit A - copy of October 4, 2001 Office Action  
Exhibit B - copy of mailroom date stamp  
Exhibit C - copy of postmarked envelope  
Copy of Notice Regarding Power of Attorney



## UNITED STATES PATENT AND TRADEMARK OFFICE

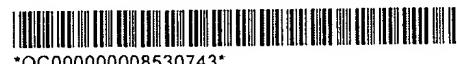
941-486P

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/290,608	04/13/1999	TSUNG-WEI LIN	LIN-2

2292  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

CONFIRMATION NO. 1084



\*OC000000008530743\*

COPY

Date Mailed: 07/29/2002

## NOTICE REGARDING POWER OF ATTORNEY

RECEIVED BY  
SECRETARY

This is in response to the Power of Attorney filed 07/11/2002.

mm 7-31-02

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

KATRINA L. HARLING  
2600 (703) 306-4214

ATTORNEY/APPLICANT COPY

EXPRESS MAIL CERTIFICATE

Date: 8/1/02 Label No. EV149465342US  
I hereby certify that, on the date indicated above, this paper or  
fee was deposited with the U.S. Postal Service & that it was  
addressed for delivery to the Assistant Commissioner for Pat-  
ents, Washington, DC 20231 by "Express Mail Post Office to  
Addressee" service.

PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR  
CREDIT ANY EXCESS IN THE FEES DUE WITH THIS DOCU-  
MENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

D. Beck  
Name (Print)

[Signature]  
Signature

Customer No.:



07278

PATENT TRADEMARK OFFICE

Docket No.: 3158/0G015-US0

**COPY**  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tsung-Wei LIN

Serial No.: 09/290,608

Filed: April 13, 1999

Art Unit: 2772

Examiner: VO, CLIFF

For: METHOD OF PROCESSING DIVERSE THREE-DIMENSIONAL GRAPHIC OB-  
JECTS

PETITION UNDER 37 C.F. 1.181 TO RESET THE SHORTED STATUTORY PERIOD  
IN WHICH TO RESPOND TO A FIRST OFFICE ACTION

August 1, 2002

BOX DAC  
Assistant Commissioner of Patents  
Washington, DC 20231

Sir:

1. Petition is hereby made to established a new shortened statutory period for  
responding to a first Office Action.
2. A copy of an Office Action dated October 4, 2001 is submitted herewith.  
(Exhibit A)

3. A copy of the stamp from the mail room of the Office of the undersigned (Exhibit B)
4. A copy of the envelope in which the Office Action was mailed bearing the mark of the U.S. Postal Service is submitted herewith. (Exhibit C)
3. The reason why a new shortened statutory period for responding to a first Office Action is necessary in this case is as follows:

The Office Action (Exhibit A) was considered by Examiner Cliff VO. Form PTO-1449 indicated that he considered the reference cited therein on or about June 6, 2001.

According to the PALM system, the Office Action was mailed on June 6, 2001. This Office Action is also incomplete in that page 4 is missing.

The Office Action has a mail date of October 4, 2001, more than four months after the date that the references were considered by the Examiner.

In response to Applicants failure to respond to the outstanding Office Action, a Notice of Abandonment was mailed on May 6, 2002. To date, Applicant has not received a copy of the Notice of Abandonment. A check of the records indicates that the correspondence address that is on record with the PTO is the present address of the undersigned.

As shown by Exhibit B, the Office Action was received by the Office of the undersigned on April 30, 2002. Based on the mailing date of the Office Action of October 4, 2001, a Response within the shortened statutory period would have been due on January 4, 2002. However, Applicant was not afforded a full and fair opportunity to respond to the Office Action based on the receipt thereof on April 30, 2002. Under the Statute, the application was technically abandoned when Applicant received the first Office Action.

The postmarked envelope (Exhibit C) indicates that the day and year that the Office Action was mailed is "25" and "2002," respectively; the month is illegible. Applicant respectfully submits that this is evidence that indicates the Office Action was not mailed to the Office of the undersigned until April 25, 2002. This date clearly deprived applicant of the opportunity to respond to the merits of the Office Action to which Applicant is clearly entitled.

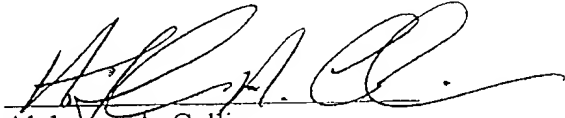
Based on the foregoing, Applicants respectfully maintain that the establishment of a new shortened statutory period for responding to a first Office Action is in order, and a notice to this effect is respectfully solicited.

4. The petition fee under 37 C.F.R. § 1.17(h) is paid as follows:

A check in the amount of \$130.00 is attached.

Respectfully submitted,

Date: August 1, 2002

  
Alphonso A. Collins  
Reg. No. 43,559  
Attorney for Applicant(s)

DARBY & DARBY P.C.  
805 Third Avenue  
New York, New York 10022  
212-527-7700

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Exhibit A



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
037290,608	04/13/99	LIN	LIN-2

3158/06015

WM21/1004

EXAMINER

DARBY & DARBY PC  
805 THIRD AVENUE  
NEW YORK NY 10022

DUE:

ART UNIT

PAPER NUMBER

Docketed on \_\_\_\_\_ by \_\_\_\_\_ for

Docketed without file ☐

DATE MAILED: 10/04/01

Attorney \_\_\_\_\_

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/290,608

Applicant(s)

Eberhardt, Jr.

Examiner

Cliff N. Vo

Art Unit

2671

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above, claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some\* c) ☐ None of:

- ☒ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 5
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

U. S. Patent and Trademark Office  
PTO-326 (Rev. 9-00)

Office Action Summary

Part of Paper No. 6

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OFFICE OF PETITIONS

Art Unit: 2671

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Information Disclosure Statement*

2. The IDS papers filed 8/4/1999 and 2/21/2001 have been received and placed in the record of file.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by the Applicant's Admitted Prior Art (pages 1-4 of the present specification).

As per independent claim 1, the AAPA discloses a method and system for achieving 3-D effect using the relation map function (page 2, lines 21-22) comprising a step of determining a

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directional relation corresponding to the pixels, wherein the directional relation defines relations between the pixels and edges of the 2-D graphic object (page 2, lines 22-29), a step of generating Z-axis parameters corresponding to the pixels in response to the directional relation with an effect function, wherein the effect function renders the Z-axis parameters responsive to a relation limit varied with directions of the directional relation (page 2, line 29 through page 3, line 8), and a step of rendering the 3-D graphic object in response to the 2-D graphic object and the Z-axis parameters (page 3, lines 3-8).

As per dependent claim 2, the AAPA further inherently discloses wherein each of the pixels comprises red, blue, green and alpha channel data.

As per dependent claim 3, the AAPA further discloses wherein each of the directional relation defines relative edge positions of the 2-D graphic object closet to the pixels (page 2, lines 25-32).

Due to the similarity of claims 4-9 to claims 1-3, they are rejected under a similar rationale.

***Conclusion***

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

NOTICE OF DRAFTSPERSON'S  
PATENT DRAWING REVIEWThe drawing(s) filed (insert date) 4/13/99 etc:A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

## 1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:

☒ Black ink. Color.☒ Color drawings are not acceptable until petition is granted.Fig(s) 6, 7☐ Pencil and non black ink not permitted. Fig(s) \_\_\_\_\_

## 2. PHOTOGRAPHS. 37 CFR 1.84 (b)

☐ 1 full-tone set is required. Fig(s) \_\_\_\_\_☐ Photographs not properly mounted (must use bristol board or photographic double-weight paper). Fig(s) \_\_\_\_\_☐ Poor quality (half-tone). Fig(s) \_\_\_\_\_

## 3. TYPE OF PAPER. 37 CFR 1.84(c)

☐ Paper not flexible, strong, white, and durable.

Fig(s) \_\_\_\_\_

☐ Erasures, alterations, overwritings, interlineations,

folds, copy machine marks not accepted. Fig(s) \_\_\_\_\_

☐ Mylar, velum paper is not acceptable (too thin).

Fig(s) \_\_\_\_\_

## 4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

☐ 21.0 cm by 29.7 cm (DIN size A4)☐ 21.6 cm by 27.9 cm (8 1/2 x 11 inches)☐ All drawing sheets not the same size.

Sheet(s) \_\_\_\_\_

☐ Drawings sheets not an acceptable size. Fig(s) \_\_\_\_\_

## 5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE: A4 Size

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE: 8 1/2 x 11

Margins not acceptable. Fig(s) \_\_\_\_\_

Top (T) \_\_\_\_\_

Left (L) \_\_\_\_\_

Right (R) \_\_\_\_\_

Bottom (B) \_\_\_\_\_

## 6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes.

Partial views. 37 CFR 1.84(h)(2)

☐ Brackets needed to show figure as one entity.

Fig(s) \_\_\_\_\_

☐ Views not labeled separately or properly.

Fig(s) \_\_\_\_\_

☐ Enlarged view not labeled separately or properly.

Fig(s) \_\_\_\_\_

## 7. SECTIONAL VIEWS. 37 CFR 1.84 (h)(3)

☐ Hatching not indicated for sectional portions of an object.

Fig(s) \_\_\_\_\_

☐ Sectional designation should be noted with Arabic or

Roman numbers. Fig(s) \_\_\_\_\_

## 8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) \_\_\_\_\_

## 9. SCALE. 37 CFR 1.84(k)

☐ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.

Fig(s) \_\_\_\_\_

## 10. CHARACTER OF LINES, NUMBERS, &amp; LETTERS.

37 CFR 1.84(i)

☐ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality).

Fig(s) \_\_\_\_\_

## 11. SHADING. 37 CFR 1.84(m)

☐ Solid black areas pale. Fig(s) \_\_\_\_\_☐ Solid black shading not permitted. Fig(s) \_\_\_\_\_☐ Shade lines, pale, rough and blurred. Fig(s) \_\_\_\_\_

## 12. NUMBERS, LETTERS, &amp; REFERENCE CHARACTERS.

37 CFR 1.84(p)

☐ Numbers and reference characters not plain and legible.

Fig(s) \_\_\_\_\_

☐ Figure legends are poor. Fig(s) \_\_\_\_\_☐ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1)

Fig(s) \_\_\_\_\_

☐ English alphabet not used. 37 CFR 1.84(p)(2)

Figs \_\_\_\_\_

☐ Numbers, letters and reference characters must be at least .32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3)

Fig(s) \_\_\_\_\_

## 13. LEAD LINES. 37 CFR 1.84(q)

☐ Lead lines cross each other. Fig(s) \_\_\_\_\_☐ Lead lines missing. Fig(s) \_\_\_\_\_

## 14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(i)

☐ Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) \_\_\_\_\_

## 15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) \_\_\_\_\_

## 16. CORRECTIONS. 37 CFR 1.84(w)

☐ Corrections not made from prior PTO-948 dated \_\_\_\_\_

## 17. DESIGN DRAWINGS. 37 CFR 1.152

☐ Surface shading shown not appropriate. Fig(s) \_\_\_\_\_☐ Solid black shading not used for color contrast.

Fig(s) \_\_\_\_\_

COMMENTS

a n

5/27/99

Exhibit B

Mail Rec'd	Date	Initials	
	4/28/02	DB	
Uncketed			NO FILE
Computer (Input)			RECEIVED
Service (Copied)			COPY SENT TO
Sent to Atty			DATE
			APR 30 A 4 12
			INT
			DARBY & DARBY P.C.



Exhibit C

AFTER 10 DAYS RETURN TO:

Organization

Bldg./Rm.

U.S. DEPARTMENT OF COMMERCE

PATENT AND TRADEMARK OFFICE

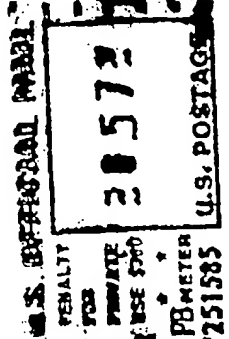
WASHINGTON, D.C. 20231

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PENALTY FOR PRIVATE USE, \$300



AN EQUAL OPPORTUNITY EMPLOYER



1002247313 AS

